



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/790,950	03/02/2004	Andre Dekker	41942-05556

CONFIRMATION NO. 2167

25231  
 MARSH, FISCHMANN & BREYFOGLE LLP  
 3151 SOUTH VAUGHN WAY  
 SUITE 411  
 AURORA, CO 80014

## FORMALITIES LETTER



\*OC000000012753468\*

Date Mailed: 05/24/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

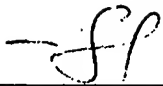
Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

08/31/2004 MAHME1 00000024 10790950

01 FC:1051

130.00 OP

*A copy of this notice **MUST** be returned with the reply.*

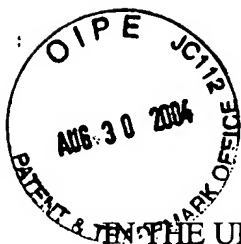


---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

DEKKER, Andreas Lubbertus

Serial No.: 10/790,950

Filed: March 2, 2004

Confirmation No.: 2167

Atty. File No.: 41942-05556

For: "MONITORING PHYSIOLOGICAL  
PARAMETERS BASED ON VARIATIONS  
IN A PHOTOPLETHYSMOGRAPHIC  
SIGNAL"

) Group Art Unit: 3736

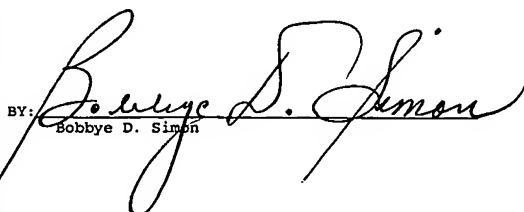
)

) Examiner: Not Yet Assigned

)

) **SUBMISSION OF MISSING PARTS**

)

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>August 24, 2004</u>.</p> <p style="text-align: center;">MARSH FISCHMANN &amp; BREYFOGLE LLP</p> <p>BY:  Bobby D. Simon</p>
---

MAIL STOP MISSING PART

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts dated May 24, 2004, in connection with the above-identified application, enclosed herewith please find an executed Declaration. Applicant has also enclosed a Petition for Extension of Time. Please note that the Assignment documents have been submitted to the Assignment Branch under separate cover on this same date.

08/31/2004 MAHMED1 00000024 10790950

02 FC:1251

110.00 OP

Also enclosed please find our check in the amount of \$240.00 which includes the amount of \$110.00 for the extension of time and the amount of \$130.00 for payment of the surcharge, reflecting large entity status. Please credit any overpayment or debit any underpayment to Deposit Account No. 50-1419. A copy of the Notice to File Missing Parts is also enclosed.

Respectfully submitted,


MARSH FISCHMANN & BREYFOGLE LLP

By: 

Russell T. Manning  
Registration No. 51,260  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(720)562-5502

Date: August 24, 2004

Docket No.  
41942-05556



**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
41942-05556

In Re Application Of: **DEKKER, Andreas Lubbertus**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/790,950	March 2, 2004	Not Yet Assigned	25231	3736	2167

Invention:

**"MONITORING PHYSIOLOGICAL PARAMETERS BASED ON VARIATIONS IN A  
PHOTOPLETHYSMOGRAPHIC SIGNAL"**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

☒ Completion of application fees as calculated below:

- |   |                 |
|---|-----------------|
| <input type="checkbox"/> Utility application filing fee   | _____           |
| <input type="checkbox"/> Design application filing fee  | _____           |
| <input type="checkbox"/> Total number of independent claims = _____   | _____           |
| <input type="checkbox"/> Total number of claims = _____   | _____           |
| <input type="checkbox"/> Multiple dependent claims  | _____           |
| <input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath | <b>\$130.00</b> |
| <input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor               | _____           |
| <input type="checkbox"/> Fee for processing an application filed with a non-English language specification                      | _____           |
| <input type="checkbox"/> Fee for processing and retention of application  | _____           |

Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☒ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☐ Five months

from: July 24, 2004                      until: August 24, 2004  
Date    Date

Total time extension fees **\$110.00**

Total fees due **\$240.00**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.  
41942-05556

In Re Application Of: **DEKKER, Andreas Lubbertus**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/790,950	March 2, 2004	Not Yet Assigned	25231	3736	2167

Invention:

**"MONITORING PHYSIOLOGICAL PARAMETERS BASED ON VARIATIONS IN A  
PHOTOPLETHYSMOGRAPHIC SIGNAL"**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of **\$240.00** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-1419**
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **50-1419**
- ☐ Payment by credit card. Form PTO-2038 is attached.

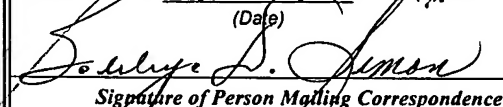
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
*Signature*

Dated: **August 24, 2004**

**Russell T. Manning, Esq.**  
Registration No. 51,260  
**MARSH FISCHMANN & BREYFOGLE LLP**  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(720)562-5502

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA ~~22313~~ **22450** Cf. : 1.8(a)] on August 24, 2004  
(Date)

  
*Signature of Person Mailing Correspondence*

**Bobbye D. Simon**

*Typed or Printed Name of Person Mailing Correspondence*

CC: